

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CUSTOMER NO. 22927**

Applicants: WALKER et al.  
Application No.: 09/316,546  
Filed: May 21, 1999  
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT  
CARD TRANSACTIONS

Attorney Docket No. 99-012

Group Art Unit: 3693  
Examiner: KARMIS, Stefanos

**REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.26**

Mail Stop 16  
Director of the U.S.P.T.O.  
P.O. Box 1450  
Alexandria, VA 22313-1450

To Whom It May Concern:

For the reasons set forth below, Applicants respectfully request a refund in the amount of \$2350.00.

### **REQUEST FOR REFUND**

Applicants request this refund of \$2350.00 paid for a five month extension of time on September 9, 2009. The five month extension was unnecessary (although this was not known to Applicants) and was paid in error.

### **RELEVANT FACTS AND PROOF**

Applicants timely filed a petition to withdraw a Notice of Abandonment for lack of abandonment in fact.

As of September 9, 2009, no decision on the petition had been received. September 9, 2009 was seven months following the timely filing of a Notice of Appeal.

As they did not know the disposition of the petition, or the status of the application, Applicants elected to file a Request for Continued Examination (copy of the RCE transmittal and fee transmittal are enclosed) on September 9, 2009.

Applicants included with the RCE a petition for a five month extension of time to ensure that the RCE was filed in a timely manner following the Notice of Appeal. Applicants authorized payment of \$2,350 for the petition for five month extension of time. Applicants have enclosed the deposit account statement for September 2009 showing the deduction of \$2,350 on September 10, 2009.

The Office mailed a Decision on Petition on September 8, 2009, but Applicants did not receive the Decision until September 10, 2009, one day after filing the RCE and incurring the extension of time fee. The Decision states on page 2 that Applicants had two months from the date of the Decision (i.e., until November 8, 2009) to file an Appeal Brief.

Accordingly, the RCE would have been timely filed on September 9, 2009 without the extension of time, but Applicants did not know that on September 9, 2009.

Therefore, Applicants request that the five month extension fee payment in the amount of \$2,350 be credited to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

January 7, 2010  
Date

/Michael Downs 50252/  
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Attorney for Applicants  
PTO Registration No. 50,252  
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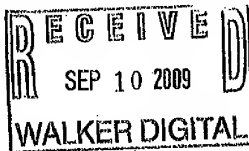
**COPY**

99-012

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SEP 08 2009

OFFICE OF PETITIONS

Appeal Brief Due

WALKER DIGITAL MANAGEMENT LLC  
2 HIGH RIDGE PARK  
STAMFORD CT 06905

File No:	99-012
Attorney:	MBN
Due Date:	11-08-09
Docketed:	09-16-09

In re Application of  
Walker, et al.  
Application No. 09/316,546  
Filed: May 21, 1999  
Attorney Docket No. 99-012

DECISION ON  
PETITION

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2009.

The petition under 37 CFR 1.181 is GRANTED.

The holding of abandonment is WITHDRAWN.

The above-identified application was held abandoned for failure to timely file a reply to the final Office action mailed November 7, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the above-identified application became abandoned on February 8, 2009. The Office mailed a Notice of Abandonment on July 6, 2009.

Petitioner has supplied a copy of an Auto-Reply Facsimile Transmission from the USPTO, showing that a Notice of Appeal was filed in the application on February 9, 2009 (made timely by the fact that February 7, 2009 fell on a Saturday. See 37 CFR 1.7(a)).

In view of the above, the holding of abandonment is withdrawn.

The Notice of Appeal contained an authorization to charge the fee to Deposit Account No. 50-0271. As petitioner did not submit any evidence that the fee was charged to the deposit account, that fee has now been charged.

**Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.**

The application is being forwarded to Group Art Unit 3693 to await for applicants' submission of the Appeal Brief.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0861-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL  
(Submitted Only via EFS-Web)**

Application Number	09/316,546	Filing Date	1999-05-21	Docket Number (if applicable)	99-012	Art Unit	3693
First Named Inventor	Jay S. Walker			Examiner Name	KARMIS, Stefanos		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at [WWW.USPTO.GOV](http://WWW.USPTO.GOV)**SUBMISSION REQUIRED UNDER 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_☐ Other \_\_\_\_\_☒ Enclosed☒ Amendment/Reply☐ Information Disclosure Statement (IDS)☐ Affidavit(s)/ Declaration(s)☐ Other \_\_\_\_\_**MISCELLANEOUS**☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)☒ Other

Five month extension of time

**FEES****The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 500271**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**☒ Patent Practitioner Signature☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Signature of Registered U.S. Patent Practitioner**

<b>Signature</b>	/Michael Downs 50252/	<b>Date (YYYY-MM-DD)</b>	2009-09-09
<b>Name</b>	Michael D. Downs	<b>Registration Number</b>	50252

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



**COPY****Electronic Patent Application Fee Transmittal**

<b>Application Number:</b>	09316546			
<b>Filing Date:</b>	21-May-1999			
<b>Title of Invention:</b>	METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS			
<b>First Named Inventor/Applicant Name:</b>	JAY S. WALKER			
<b>Filer:</b>	Jerome Alexander DeLuca/Veronika Leliever			
<b>Attorney Docket Number:</b>	99-012			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 5 months with \$0 paid	1255	1	2350	2350

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Request for continued examination	1801	1	810	810
<b>Total in USD (\$)</b>				<b>3160</b>



**United States  
Patent and  
Trademark Office**



**COPY**



**Deposit Account Statement**

**Requested Statement Month:** September 2009  
**Deposit Account Number:** 500271  
**Name:** WALKER DIGITAL MANAGEMENT, LLC.  
**Attention:** KAREN ROMAINE  
**Street Address 1:** TWO HIGH RIDGE PARK  
**Street Address 2:**  
**City:** STAMFORD  
**State:** CT  
**Zip:** 06905  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/01	5	12307705	06-032	1617	\$130.00	\$102,833.00
09/01	6	12307705	06-032	1641	\$100.00	\$102,733.00
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09/01	6593	10459678	03-040	1252	\$490.00	\$101,133.00
09/01	3	11122855	05-016	2201	\$220.00	\$100,913.00
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09/30	18039	11926412	98-038-C1	1251	\$130.00	\$136,316.00
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		BALANCE	CHARGES	REPLENISH	BALANCE	
		\$102,963.00	\$68,542.00	\$101,895.00	\$136,316.00	

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